

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HIROYUKI IKEDA

Appeal 2008-5317
Application 09/821,636
Technology Center 2800

Mailed: October 24, 2008

Before DALE M. SHAW, *Chief Appeals Administrator*
SHAW, *Chief Appeals Administrator*.

ORDER DENYING ORAL HEARING

This application was electronically received at the Board of Patent Appeals and Interferences on July 15, 2008. A docketing notice was mailed and Appeal No. 2008-5317 was assigned on August, 21, 2008. A review of the application has revealed that appellant filed a Reply Brief on January 30, 2007. On page 18 of the Reply Brief, Appellant requested an Oral Hearing.

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This Request for Oral Hearing was not filed in a separate paper, or the necessary fee set forth in 37 CFR §41.20(b)(3) as required by 37 CFR §41.47(b). Since appellant's request for Oral Hearing was not filed in a separate paper nor the requisite fee was paid, appellant's request for an Oral Hearing cannot be granted.

If Appellant still desires an Oral Hearing, a petition under 37 CFR §1.183 must be filed within two weeks of the mail date of this Order. Such a petition must include (1) a request to suspend the separate paper requirement of 37 CFR §41.47(b); (2) a showing of facts to establish that an extraordinary situation exists and that justice requires the separate paper requirement of 37 CFR §41.47(b) be suspended or waived; and (3) accompanied by the petition fee set forth in 37 CFR § 1.17(h) and the Oral Hearing fee as required by 37 CFR §41.20(b)(3). This two week time period for filing a petition under 37 CFR §1.183 is not extendable under 37 CFR §1.136(a). The failure to timely file a petition under 37 CFR §1.183 will result in the appeal being decided without an Oral Hearing. (i.e. on brief).

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS

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